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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,354	04/04/2001	Addison M. Fischer	264-175	1412

23117 7590 09/01/2004
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EXAMINER

AKERS, GEOFFREY R

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 09/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/825,354

Applicant(s)

FISCHER, ADDISON M.

Examiner

Geoffrey Akers

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Request for Continued Examination

1. This action is issued in reply to applicant's Request for Continued Examination filed 7/15/04.
2. Claim 1 was amended. No claims were added. None were deleted.
3. Claims 1-28 as amended, are pending.

Claim Rejections - 35 USC § 102

4. Claims 1-14 and 22-28 are rejected under 35 USC 102(b) as being anticipated by Gardner(US Pat. No: 5,758,327) as addressed in the Office Action of 10/28/03 and further delineated below with reference to the sole amended claim.

5. (AMENDED) As per claim 1 Gardner teaches a system(col 2 line 66-col 4 line 6) comprising a user(companies Fig 1/12/14/16) and a vendor(vendors Fig 1/24/26/28) coupled by a communication system(Fig 1/10/30/32) and a method for performing an electronic transaction between the user and the vendor comprising establishing by a user an order list including at least one item to be obtained from the vendor(Fig 2/40)(col 5 line 62-col 6 line 12) and then submitting the order list to the vendor over the communication system(Fig 2/52)(col 7 lines 12-31) col 3 lines 18-24)(col 6 lines 35-38), and then receiving the list by the vendor(Fig 2/52)(col 7 lines 12-31) and then making the list available to the user through the real time connection with the vendor(col 7 lines 35-39) (col 3 lines 26-27)(Fig 3/46) and then establishing a real time connection between the user and the (col 4 lines 56-60)(col 6 lines 47-49) vendor and then

enabling the user to review and approve the vendor received order list during the real time connection(Fig 2/54)(col 4 lines 32-48)(col 9 lines 14-18).

Claim Rejections - 35 USC § 103

6. Claims 15-21 are rejected under 35 USC 103(a) as unpatentable over Gardner(US Pat. No: 5,758,327) in view of Shane(US Pat. No: 5,793,972) for the same reasons as given in section 4 of the Office Action dated 10/28/03.

Response to Arguments

7. Applicant's sequencing is delineated in the Gardner reference(col 2 line 66-col 4 line 6).These steps include establishing buy a user an order list(col 2 line 66-col 3 line 4) and submitting the order list to the vendor over the network(col 3 lines 18-24)(col 6 lines 35-38), then receiving the list by the vendor(col 3 lines 26-28), then making the list available to the user(col 3 lines 26-27)(Fig 3/46) and then establishing a real time connection between the user and the vendor(col 6 lines 47-49) and finally enabling the user to review and approve the vendor received order list during the real time connection(col 9 lines 14-18).

Conclusion

8. **THIS ACTION IS MADE NON-FINAL.**

Questions regarding this communication may be addressed to the primary examiner, Dr. Geoffrey Akers, P.E., who can be contacted at (703)-306-5844 between the hours of 6:30 AM and 5:00 PM Monday through Friday. If attempts to reach the primary

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examiner are unsuccessful, the examiner's supervisor, Mr. Vincent Millin, may be
'telephoned at (703)-308-1065.

GRA

August 30, 2004

DR. GEOFFREY R. AKERS, P.E.
PRIMARY EXAMINER